

STRADLEY RONON STEVENS & YOUNG, LLP  
A Pennsylvania Limited Liability Partnership  
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*Attorneys for Defendant  
Navient Solutions, LLC*

**IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF NEW JERSEY**

\_\_\_\_\_  
DARYEL WILLIAMS,

Plaintiff,

v.

NAVIENT SOLUTIONS, LLC,

Defendant.  
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Civil No. \_\_\_\_\_

**NOTICE OF REMOVAL**

Pursuant to 28 U.S.C. § 1441, Defendant, Navient Solutions, LLC (“NSL”), by and through its undersigned counsel, Stradley Ronon Stevens & Young, LLP, hereby removes to the United States District Court for the District of New Jersey the case styled as Daryl Williams v. Navient, Docket No. CAM-SC-001552-17, originally filed in the Superior Court of New Jersey, Camden County, Law Division (“the State Court Action”), and as grounds for removal, states as follows:

1. Plaintiff, Daryel Williams, initiated the State Court Action by filing his Complaint on or about July 15, 2017. No further proceedings have occurred in the Superior Court of New Jersey in this case. In accordance with 28 U.S.C. § 1446(a), a copy of Plaintiff's Complaint, along with the Summons and Return of Service, is attached hereto as Exhibit A.

2. On August 4, 2017, the Complaint and Summons were served on NSL.

3. NSL files this Notice of Removal within thirty (30) days after service of the Complaint, and therefore, the Notice of Removal is timely pursuant to 28 U.S.C. § 1446(b).

4. The entire State Court Action is removable to this Court pursuant to 28 U.S.C. § 1441 as this Court has original jurisdiction under 28 U.S.C. § 1331.

### **FEDERAL QUESTION JURISDICTION**

5. In the Complaint, Plaintiff alleges that NSL reported incorrect and derogatory credit information concerning two of Plaintiff's NSL accounts to credit reporting bureaus. (Compl. ¶ 1.)

6. Plaintiff further asserts that he disputed the allegedly incorrect credit information to NSL and the credit reporting bureaus, but the challenged information remains on Plaintiff's credit reports. (Id.)

7. Accordingly, although Plaintiff does not identify a specific cause of action, the claim could only arise under the Fair Credit Reporting Act, 15 U.S.C. § 1681, et seq. (“FCRA”). Further, any state law cause of action based on allegedly inaccurate credit reporting furnished by NSL would be preempted by the FCRA. See 15 U.S.C. § 1681t (providing for broad FCRA preemption of state law claims pertaining to credit reporting); Burrell v. DFS Servs., LLC, 753 F. Supp. 2d 438, 449-51 (D.N.J. 2010) (holding that FCRA preempts all claims “relating to the responsibilities of any persons who furnish information to consumer reporting agencies”).

8. Consequently, Plaintiff has asserted claims against NSL arising under the laws of the United States, namely the FCRA.

9. This Court therefore has subject matter jurisdiction pursuant to 28 U.S.C. § 1331.

#### **OTHER PROCEDURAL MATTERS**

10. Pursuant to 28 U.S.C. § 1446(a), the United States District Court for the District of New Jersey is the appropriate court for filing a Notice of Removal from the Superior Court of New Jersey, Camden County, where the State Court Action is pending.

11. Pursuant to 28 U.S.C. § 1446(a), copies of “all process, pleadings and orders” served upon NSL have been attached as Exhibit A.

12. In filing this Notice of Removal, NSL reserves any and all defenses, objections, and exceptions, including but not limited to those relating to service, venue, statute of limitations, and choice of law.

13. Pursuant to 28 U.S.C. § 1446(d), NSL shall give Plaintiff written notice of the filing of this Notice of Removal, and NSL shall file the written notice of having filed this Notice of Removal with the Clerk of the Superior Court of New Jersey, Camden County, attaching thereto a copy of this Notice of Removal. A copy of the Notice of Filing Notice of Removal is attached hereto as Exhibit B.

WHEREFORE, notice is given that the State Court Action is removed from the Superior Court of New Jersey, Camden County, to the United States District Court for the District of New Jersey.

Respectfully submitted,

/s/ L. John Vassalotti, III

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Dated: August 29, 2017